

OGC Has Reviewed

OGC 65-0989

2 April 1965

MEMORANDUM FOR: Special Support Assistant to the
Deputy Director for Support

SUBJECT: Home Leave Entitlements on Subsequent
Assignments Abroad

1. It has been suggested that there may be conflicts or inconsistencies among the various rulings and regulations which prescribe concerning home leave entitlements for individuals serving their second or later tours outside the United States. In preparing this memorandum, intended to resolve these points, we have had informal discussions with a representative of the Civil Service Commission (CSC) and again with a representative of the General Accounting Office (GAO). The CSC representative acknowledged that the language of the CS regulation is somewhat ambiguous. Additionally, no formal ruling by GAO on the points discussed in this memorandum have been issued. At our request, GAO discussed these questions with CSC. This paper therefore is based on the applicable statutes and regulations and reflects the informal views of both of those agencies.

2. The pertinent statute is subsection 203(f) of the Annual and Sick Leave Act of 1951, as amended, which applies to the Government generally, including this Agency. The subsection provides:

"Upon completion of twenty-four months of continuous service outside the United States, officers and employees may be granted, in accordance with regulations of the President,

leave of absence at a rate not to exceed one week for each four months of such service without regard to any other leave provided by this title, for use in the United States, or, if their respective places of residence are outside the area of employment, in the Commonwealth of Puerto Rico or the possessions of the United States."

3. The Federal Personnel Manual, issued by the CSC, provides: "For his first grant of home leave, an employee must have twenty-four months of continuous service abroad unless otherwise authorized by statute." The Manual further provides that home leave not granted during a period of service abroad or within a reasonable time after service abroad "may not be granted until the employee has completed a further substantial period of service abroad; the further period of service abroad required is not less than the tour of duty prescribed for the employee's post of assignment except when an agency determines that an earlier grant of such leave is warranted in such case." The Manual and Supplement do not otherwise touch on the question of home leave eligibility for subsequent tours. From these provisions and based on our conversations with GAO and the CSC, the following rules apply:

a. An employee first becomes eligible for home leave upon the completion of twenty-four months of continuous service outside the United States after September 6, 1960.

b. As to subsequent periods of service abroad, home leave may be granted only if the subsequent period is not less than the tour of duty prescribed for the employee's post of assignment (or is for a period of twenty-four months, whichever is less) except when an agency determines that an earlier grant of such home leave is warranted in individual cases. This rule applies in cases where the employee carries unused home leave when he begins his second tour and in those where he does not. It applies also in those instances in which the two assignments abroad are successive, and in those in which the two assignments are separated by a PCS assignment in the United States.



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Associate General Counsel

cc: O/Personnel - Mr. [redacted]
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